

Mr Robert Whitaker
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Berkeley
GL13 9EN

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 191 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

**REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
(EXISTING)**

REFERENCE: DM/25/3007

PROPOSAL: CERTIFICATE OF EXISTING USE FOR A MOBILE HOME.

**LOCATION: THE STUD BUNGALOW, WYNDHAM FARM, WINEHAM LANE,
WINEHAM**

DECISION DATE: 6 FEB 2026

CASE OFFICER: TRACIE AXFORD - TRACIE.AXFORD@MIDSUSSEX.GOV.UK

The Mid Sussex District Council hereby certify that on 24th November 2025 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and hatched red on the plan attached to this certificate, was not lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. It is considered that the applicant has not established on the balance of probabilities that the use described constitutes the lawful use of the land. The applicant relies on section 171B(2) of the Town and Country Planning Act 1990, asserting that the use of the structure as a single dwellinghouse commenced more than four years before the date of the application. However, the structure is identified as a mobile home, which does not ordinarily constitute a building for planning purposes. The four year rule applies only to a change of use of a building to a single dwellinghouse, whereas other changes of use, including those involving land or non buildings, are subject to the ten year period for immunity from enforcement. As a mobile home falls within the definition of a caravan under the Caravan Sites and Control of Development Act 1960 rather than a building, its residential occupation does not amount to use as a "dwellinghouse"

for the purposes of section 171B(2). The applicant has therefore applied under the incorrect legal basis, and insufficient evidence has been provided to demonstrate ten years of continuous use. The Local Planning Authority is consequently unable to conclude that the use is lawful, and a Certificate of Lawfulness is refused.

First Schedule

Certificate of existing use for a mobile home.

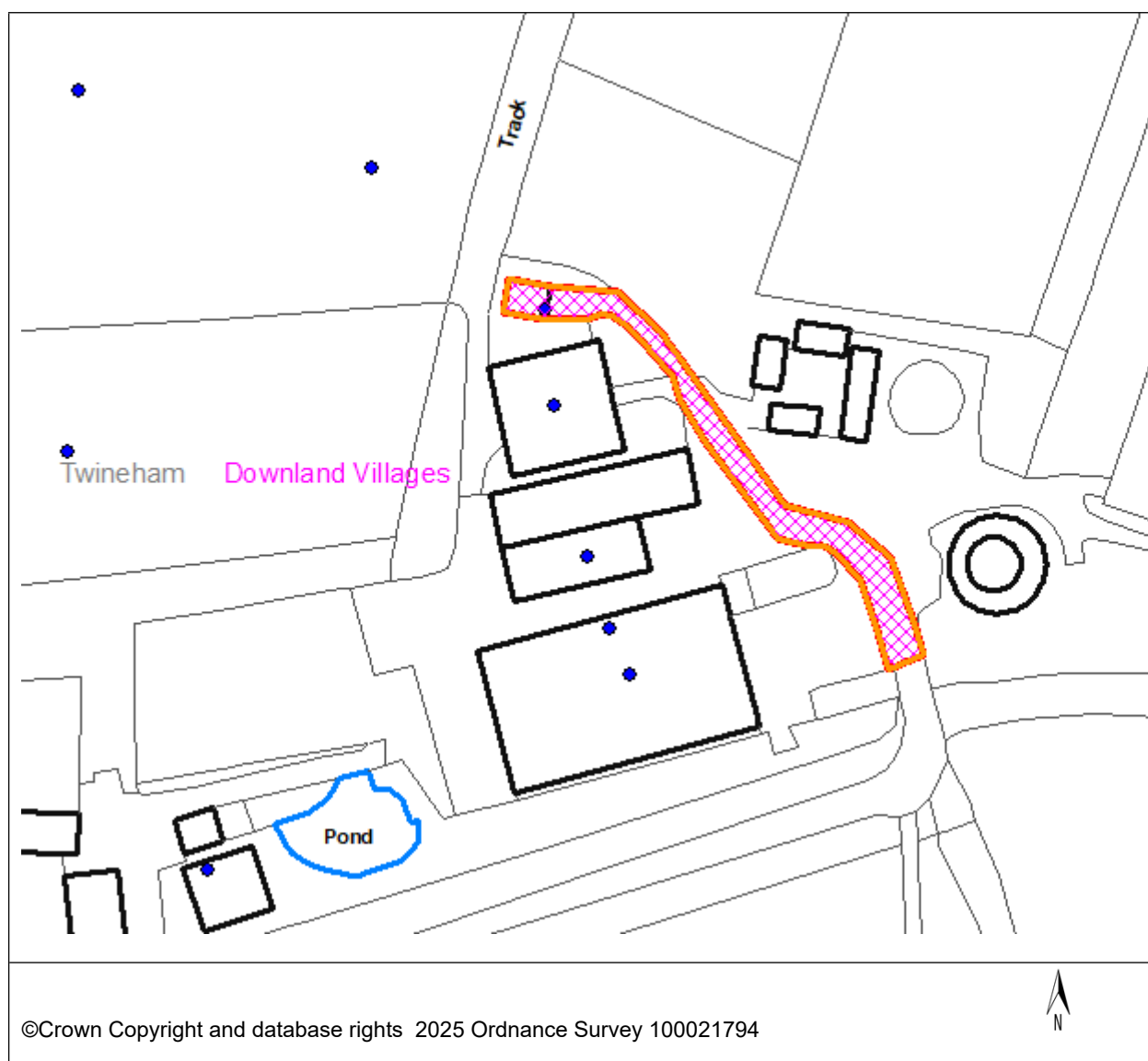
Second Schedule

The Stud Bungalow, Wyndham Farm, Wineham Lane, Wineham

A handwritten signature in black ink, appearing to read 'ABiggs', with a stylized flourish at the end.

Ann Biggs
Assistant Director Planning and Sustainable Economy

RELDEZ



APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months (8 weeks in the case of advertisements, 12 weeks in the case of householder or minor commercial development) of the date of this notice *(see exceptions below)

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on Tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).

- * If this decision relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- * If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.*